Amendments to the Drawings

Figure 3 has been amended to correct a typographical error in the reference numerals for the stepped portions of the bore 126. A Replacement Sheet is included herewith.

REMARKS

Claims 1-10 have been cancelled. Claims 11-18 are new. Claim 11, the only independent claim, generally corresponds to original claim 1. Specifically, claim 1 has generally been amended into claim 11 and now recites that the article being claimed is a fluid disruption and storage apparatus. Basis for this amendment can be found at page 2, lines 16 to 19, of the application as originally filed (paragraph [0004] of the published application.)

Claim 11 has also been amended to introduce the features that the piston means has a bore which fluidly communicates with the first and second chambers, the bore having a first portion having a first diameter, and a second portion having a second diameter which is smaller than the first diameter. Basis for this amendment can be found in cancelled claims 3 and 4.

New claims 13 - 18 correspond substantially to cancelled claims 5 - 10 presently.

The drawings have been amended. Specifically, Figure 3 has been amended to correct a typographical error in the reference numerals for the stepped portions of the bore 126. As can be seen from page 9, line 28 through page 10, line 7 of the application as filed (paragraphs [0041] and [0042] of the published application) these reference numerals should be 126a, 126b and 126c and not 120a, 120b and 120c. A Replacement Sheet is being submitted concurrently with this response that includes this amendment to the figures. Entry of this replacement sheet is requested.

No new matter has been added to the application by means of these amendments.

Rejections

Claim 1 has been rejected as being anticipated under 35 U.S.C. §102(b) by U.S. Pat. No. 5,027,872 (Taylor). The Examiner has asserted that Taylor teaches a fluid storage apparatus as recited in claim 1. Applicant traverses this rejection.

U.S. Pat. No. 5,027,872 (Taylor) discloses a system for introducing additive to paint, varnish, woodstain or the like. The system of Taylor discloses a first container 6 having a first chamber capable of being filled with a fluid 7 and a second container 2 having a second chamber capable of being filled with a second fluid 3, the second container 2 having piston means 4. The fluid 3 (additive) in the second container 2 is simply injected into the first container 6 (containing paint etc.) by the piston means 4.

In contrast to the present invention, Taylor fails to disclose a fluid disruption and storage apparatus, as required by claim 11 (amended claim 1). The system of Taylor is directed towards introducing additives into paint or the like without the risk of spillage and splashing. Furthermore, although Taylor discloses a second container 2 having piston means 4, the piston 4 does not have a bore which fluidly communicates with the first and second chambers. Nor does the bore have a first portion with a first diameter, and a second portion with a second diameter which is smaller than the first diameter. These are specific structural features of claim 11. As a consequence, the piston 4 of Taylor neither disrupts nor displaces fluid from the first container to the second container. The piston 4 of Taylor is simply for injecting fluid 3 from the second container 2 to the first container 6.

Based on the foregoing, it is respectfully submitted that claim 11 is not anticipated by Taylor since it fails to show each and every element of claim 11. Furthermore, as noted above, claim 11 is nonobvious (and, thus, patentable) over Taylor since the disclosure of Taylor fails to suggest or provide any motivation to a person of ordinary skill in the art to incorporate the missing features into the Taylor design. Thus, claim 11 is patentable over Taylor.

Claims 1-10 have been rejected as being anticipated under 35 U.S.C. §102(b) by U.S. Pat. No. 4,573,506 (Paoletti). The Examiner has asserted that Paoletti teaches a fluid storage apparatus as recited in these claims. Applicant traverses this rejection.

U.S. Pat. No. 4,573,506 (Paoletti) discloses an apparatus for preparing and dispensing a solution. The apparatus comprises a first container 120 having a first chamber capable of being filled with a fluid and a second container 110 having a second chamber containing a fluid. Paoletti simply discloses an apparatus for preparing and dispensing a solution in a sterile manner. In order to achieve this, the two containers 10, 20 are threadably engaged (Fig. 7) with one another, or slotted together (Fig. 9). The fluid in the second container 110 is simply injected into the first container 120.

In contrast to the present invention, Paoletti also fails to disclose a fluid disruption and storage apparatus, as recited in claim 11 (amended claim 1). The system of Paoletti is directed towards preparing and dispensing sterile solutions. Although Paoletti also discloses a second container 110 having piston means 116, this piston 116 again does not have a bore which fluidly communicates with the first and second chambers, the bore having a first portion having a first

diameter, and a second portion having a second diameter which is smaller than the first diameter. Again, the piston 116 of Paoletti neither disrupts nor displaces fluid from the first container to the second container. The piston 116 of Paoletti is simply for injecting fluid from the second container 110 to the first container 120.

As explained above, neither Taylor or Paoletti are concerned with the disruption and storage of cellular fluids. The cellular fluid of the present invention is disrupted by inserting the piston means of the second container into the first container. As the piston is inserted into the first container the cellular fluid undergoes disruption as it passes through the first and second portions of the bore.

Since there is no discussion of disrupting cellular fluids, neither Taylor or Paoletti offer any teaching which would motivate a person of ordinary skill to consider adapting either of the apparatus of Taylor or Paoletti by providing a piston having a bore as described above.

Based on the foregoing, it is respectfully submitted that claim 11 is patentable over Taylor and Paoletti. Reconsideration and withdrawal of the rejections is requested. Claims 12-18 all depend from claim 11 and, therefore, are also patentable over Tayloe and Paoletti. Reconsideration and withdrawal of the rejection of this application is requested.

If the Examiner believes that direct communication with Applicants' representative will expedite consideration of this application, the Examiner is invited to contact the undersigned.

Respectfully submitted,
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